

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Addiese: COMMISSIONER FOR PATENTS P O Box 1450 Alexandra, Virginia 22313-1450 www.wepto.gov

			1	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/595,775	02/15/2007	Ramon van der Winkel	P17927-US2	6417
27045 7590 11/06/2008 ERICSSON INC. 6300 LEGACY DRIVE			EXAMINER	
			LEATHERS, VERNIQUE T	
M/S EVR 1-C-11 PLANO, TX 75024			ART UNIT	PAPER NUMBER
			2456	
			MAIL DATE	DELIVERY MODE
			11/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 10/595,775 VAN DER WINKEL, RAMON Office Action Summary Examiner Art Unit VERNIQUE LEATHERS 2456 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status Responsive to communication(s) filed on 05/10/2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 24-46 is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) 24-46 is/are rejected. 7) Claim(s) 25-34, 39, 41, and 42 is/are objected to. 8) Claim(s) _____ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 10 May 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s)

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date June 05, 2007.

Notice of Draftsperson's Patent Drawing Review (PTO-948)
 Notice of Draftsperson's Patent Drawing Review (PTO-948)
 Notice of Draftsperson's Patent Drawing Review (PTO-948)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date.

6) Other:

5) Notice of Informal Patent Application

Application/Control Number: 10/595,775 Page 2

Art Unit: 2456

DETAILED ACTION

Claim Objections

1. Claims 25-34, 39, 41 and 42 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 24 recites "comprising a decision means", but claims 25 -34 all modify the client links, or server, which are not recited in claim 24. The limitations of claim 24 have been reviewed. Dependent claims 25-34 do not contain any additional features to what has already been claimed in 24. The limitations of claim 38 have been reviewed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application.

Art Unit: 2456

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24, 26, 27, 29, 30, 34, 35, 41-42, and 45-46 are rejected under 35 U.S.C. 102 (e) as being anticipated by Ruland (US Patent Application Publication 20030048755 A1).

As per claim 24 and 35, Ruland teaches a system for transmission of data between a client (Ruland, Paragraph [0013] and Figure 1 states:

A schematic embodiment of a device according to the invention is shown in Fig. 1. The device in the form of a mobile computer 20, the outer shape of which may correspond to a conventional portable computer.)

and a server over at least two physical links, (Ruland, Paragraph [0013] and Figure 1 state: A plurality of different connection possibilities to external computer 11) comprising a decision means controlled by a client for selecting at least one of the physical links for transmission of the data. (Ruland, Paragraph [0016] states: The control unit 10 monitors the connecting units and chooses a connecting unit depending on adjustable conditions.)

Referring to claims 26 and 41, Ruland teaches the system of claim 24, wherein the transmission of data between a client and a server is bidirectional. (Ruland, Paragraph [0021] Claim 1 states:

Transferring henceforth input data and output data via the second connection during continued indication of output data at the mobile computer and during continued monitoring of the status of the different communication members.)

Art Unit: 2456

Regarding claim 27, Ruland teaches the system of claim 24, wherein in the physical links are separate and have at least one component specific for each physical link. (Ruland, Paragraph

Paragraph [0013] states:

A schematic embodiment of a device according to the invention is shown in Fig. 1. The device in the form of a mobile computer 20, the outer shape of which may correspond to a conventional portable computer, comprises a control unit 10. The control unit 10 controls other units of the device. A plurality of different connection possibilities to an external computer 11 is included in the device. In the embodiment according to Fig. 1, a first connecting unit 12 is included in the form of a circuit switching unit for direct physical connection with the external computer 11. The circuit switching unit 12 may comprise a conventional network card or the like hardware

And

Paragraph [0014] states:

In the embodiment shown, also a second connecting unit 13 is included in the form of a communication member for local wireless communication, e. g. BLUETOOTH, and a third connecting unit 14 for wireless remote communication, e. g. GPRS. All connecting units continuously monitor their channels for communication.)

As per claim 29, Ruland discloses, the system of claim 24, wherein the physical link comprises at least one component selected from the group consisting of short cables, PCB wires, a twinned-pair cable, a coaxial cable, a Bluetooth communication channel, an IrDA channel, a WLAN channel and a serial port. (Ruland, Figure 1 and Paragraph [0014] states:

In the embodiment shown, also a second connecting unit 13 is included in the form of a communication member for local wireless communication, e. g. BLUETOOTH, and a third connecting unit 14 for wireless remote communication, e. g. GPRS. All connecting units continuously monitor their channels for communication.)

Art Unit: 2456

Regarding claim 30, Ruland discloses the system of claim 24, wherein the client comprises a processor and an associated memory responsively coupled thereto, whereby the processor is adapted to determine properties of each link and store such properties in the client memory. (Ruland, Figure 1 and Paragraph [0016] states:

The control unit 10 monitors the connecting units and chooses a connecting unit depending on adjustable conditions. It is possible to set the control unit so that status and feasible connections in question continuously are indicated on the output member. Thereby, the user may control the choice of connection and which connecting unit that is to be used for communication. It is also possible to set the control unit beforehand so that the connecting units are selected automatically in a certain order of priority.)

Regarding claims 34 and 42, Ruland teaches the system of claim 24, wherein at least one of the server and the client is embodied in a device selected from the group consisting of a mobile radio terminal, a mobile telephone, a pager, a communicator, an electronic organizer, a Personal Digital Assistant, a smart phone, a computer, a multimedia player, and a MP3 player. (Ruland, Paragraph [0003] states: A mobile computer, or a so-called thin client, presently exists in different embodiments.) and (Ruland, Paragraph [0003] states: The external computer is more powerful than the mobile computer and is configured, like a server).

Regarding claim 45, Ruland teaches the computer program of claim 44, adapted to be used in a handheld device. (Ruland, Paragraph [0003] states: A mobile computer, or a so-called thin client, presently exists in different embodiments.) and (Ruland, Paragraph [0003] states: The external computer is more powerful than the mobile computer and is configured, like a server).

Art Unit: 2456

As per claim 46, Ruland teaches the computer program of claim 45, wherein the handheld device is selected from the group consisting of a mobile radio terminal, a mobile telephone, a pager, a communicator, an electronic organizer, a Personal Digital Assistant, a smart phone, a computer, a multimedia player, and a MP3 player. (Ruland, Paragraph [0003] states: A mobile computer, or a so-called thin client, presently exists in different embodiments.)

Claim 37 is rejected under 35 U.S.C. 102 (b) as being anticipated by Koay (European Patent Application EP 1 026 916).

As per claim 37, Koay teaches a method of initiating transmission of data, comprising: facilitating the establishment of at least two physical links (Koay, Column 1 Lines 13-21 states:

Each link connects two telecommunications network elements, from individual port to individual port, through a specific transmission medium, such as an electrical cable, an optical fiber, a radio frequency (RF) channel, or other transmission medium. Each network element may be linked to one or more other network elements through a plurality of ports, each of which may include an electrical, optical, or RF interface.

And

Column 10 Lines 56-58 and Column 11 Line 1
The network illustrated in the exemplary embodiments related to figures
5A through 7D have only two links associated with each node, each node,
may have several links, as in a multiply nested ring.)

between a client and a server; (Koay, Column 2 Lines 25-44 states:

In an illustrative embodiment, upon the occasion of a network modification, such as the addition of a port to the network, the initiation of a port, or reconfiguration of a link, each port's associated controller transmits an identification message to the port's adjacently neighboring port. The identification message includes the transmitting, or local, port's

Art Unit: 2456

identification and the presumed identification of the adjacent receiving, or remote, port's identification. Similarly, the controller associated with the remote port transmits an identification message containing the "remote port's view", that is, the local and remote port identifications, from the perspective of the remote port, to the local port. If the identification messages from the two neighboring ports agree, that is, if the remote and local port identifications of each port are reciprocal, the link is identified, in that one or more controllers have determined the interconnectivity of the two ports that comprise the link.)

determining the properties of available physical links by the client; (Koay, Column 7

Lines 45-50 states:

If it is determined that the remote port's link identification message has been received, the process proceeds to step 320 where the remote and local link identification messages are compared, and, if they are not the same, the process proceeds to step 321, where the local port updates its link identification information.)

sending data by the client to the server including identification numbers for the physical

links; (Koav, Column 2 Lines 29-44 states:

each port's associated controller transmits an identification message to the port's adjacently neighboring port. The identification message includes the transmitting, or local, port's identification and the presumed identification of the adjacent receiving, or remote, port's identification. Similarly, the controller associated with the remote port transmits an identification message containing the "remote port's view", that is, the local and remote port identifications, from the perspective of the remote port, to the local port. If the identification messages from the two neighboring ports agree, that is, if the remote and local port identifications of each port are reciprocal, the link is identified, in that one or more controllers have determined the interconnectivity of the two ports that comprise the link.)

and storing the identification numbers in a memory of the server. (Koay, Column 2

Lines 44-46 states:

Art Unit: 2456

The controllers retain this link identification information until some change in the network configuration initiates a re-identification. If, however, the identification messages from the two neighboring ports do not agree, the controller associated with the local port will update the "remote" potion of its identification message and re-send the message to its neighbor as an acknowledgement of the updated remote port identification information.)

Claims 38, 39, 40, 43, and 44 are rejected under 35 U.S.C. 102 (b) as being anticipated by Civanlar et al. (US Patent No.: 5995606).

As per claims 38, 43, and 44 Civanlar teaches a method for transmission of data, comprising:

facilitating the establishment of at least two physical links (Civanlar, Figure 7 and Column 6 Lines 64-67 and Column 7 Lines 1-5 states:

Client apparatus 100 establishes a service request connection to server 130 utilizing LAN 701 and Internet 150. If the service request requires a connection capability not provided by Internet 150, server 130 may establish a connection to client apparatus 100 via ISDN adapter 705, ISDN portion of the switched network 160, CO 205 and ISDN adapter 707. Alternatively, server 130 can connect to client apparatus 100 using modem 709, switched network 160, and modem 711.)

between a client and a server; (Civanlar, Figure 7 and Column 6 Lines 63-66 states:

With reference to FIG. 7, we discuss a client-server architecture utilizing a LAN interface to Internet 150. Client apparatus 100 establishes a service request connection to server 130 utilizing LAN 701 and Internet 150.)

receiving data by the server from the client, the data comprising a request for a service and identification data for at least one of the physical links for transmission of the service; (Civanlar, Column 5 Lines 21-26 states:

With reference to FIG. 7, we discuss a client-server architecture utilizing a LAN interface to Internet 150. Client apparatus 100 establishes a service

Art Unit: 2456

request connection to server 130 utilizing LAN 701 and Internet 150 The phone number in our example is that of modem 2 (203) to enable the server 130 to call back client apparatus 100. In step 304, server 130 receives the service request requiring a public switched network 160 connection. Server 130 uses the client-provided information to determine the phone number of the client (e.g., modem 2's phone number).)

and transmitting the service over the physical link corresponding to the identification data. (Civanlar, Figure 7 and Column 6 Lines 40-47 states:

In any event, a call connection is initiated to modem 2 using the phone number provided in the service request. In step 307, client apparatus 100 receives, optionally checks the caller ID, and accepts the call (which may be collect) from the server 130 and establishes a connection through modem 2. Thereafter, in step 308, client apparatus 100 and server 130 can exchange data over the switched network 160.)

Regarding claim 39 Civanlar teaches the method of claim 38, wherein the identification data comprises identification numbers for at least one physical link. (Civanlar, Figure 7 and Column 6 Lines 40-47 states:

In any event, a call connection is initiated to modem 2 using the phone number provided in the service request. In step 307, client apparatus 100 receives, optionally checks the caller ID, and accepts the call (which may be collect) from the server 130 and establishes a connection through modem 2. Thereafter, in step 308, client apparatus 100 and server 130 can exchange data over the switched network 160.)

Regarding claim 40, Civanlar teaches the method of claim 39; further comprising looking up, by the server, of a physical link in a memory corresponding to the identification number and selecting the physical link to the transmission. (Civanlar, Column 5 Lines 41-55 states:

The service request in step 303 also includes client information (e.g., client ID, phone number, billing account) which is used by the server to

Art Unit: 2456

process the service request. According to illustrative embodiments, each client may have a pre-established account in a database at a server location. The database entry for a given client account may include the client's login/password, phone number, billing account and other information deemed necessary to properly process service request and to deliver and bill for information delivery or other services provided by the server. For security reasons, this client account information may be encoded or encrypted. When a client enters a service request, the client's database entry corresponding the client account is accessed in a well-known manner to obtain the necessary information to properly process, deliver and bill for the service request. The service request in step 303 also includes client information (e.g., client ID, phone number, billing account) which is used by the server to process the service request.)

Claim 43 is computer readable medium performing the steps of corresponding method claim 38. Claim 43 is rejected for the same reasons provided in the rejection for claim 38 above.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruland (US Patent Application Publication 20030048755 A1) in view of Civanlar et al. (US Patent No.: 5995606; hereafter Civanlar 606').

Art Unit: 2456

As per claim 25 all the limitations of claim 24 have been discussed above. However, Ruland does not disclose wherein each physical link is provided with an identification number and the decision means is arranged in order for the client to initiate the physical link indicating the identification number for opening the service.

On the other hand, Civanlar 606' teaches wherein each physical link is provided with an identification number and the decision means is arranged in order for the client to initiate the physical link indicating the identification number for opening the service.

(Civanlar, Column 8 Lines 12-35 states:

The switched network connection, wherein said automatically sent information at least partially fulfills the service request. 2.) The method of claim1 further comprising the step of terminating said client-server network connection after said receiving step. 3.) The method of claim 1 wherein said received client information includes a login and password from which the server determines the client's communication number. 4.) The method of claim 1 wherein said received client information includes a client account number from which the server determines the client's communication number for use in establishing the switched network connection. 5.) The method of claim 1 wherein said received client information includes a switched network phone number of the client. 6.) The method of claim 1 wherein the client is connected to the clientserver network using an Integrated Services Digital Network (ISDN) adapter. 7.) The method of claim 1 wherein the client is connected to the client-server network using a Local Area Network (LAN). 8.) The method of claim 1 wherein the switched network connection to the client is a collect call.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein each physical link is provided with an identification number and the decision means is arranged in order for the client to initiate the physical link indicating the identification number for opening the service as taught by Civanlar 606' in the invention of Ruland in order to provide a system which enables a server to establish

Art Unit: 2456

an access communication link to a network services utilizing the link identification number provided by a client apparatus.

Claim 28, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruland (US Patent Application Publication 20030048755 A1) in view of Mollett et al. (US Patent No.: 5912752; hereafter Mollett 752').

As per claim 28 all the limitations of claim 24 have been discussed above. However, Ruland does not disclose wherein the physical link comprises a universal asynchronous receiver-transmitter.

On the other hand, Mollett 752' teaches wherein the physical link comprises a universal asynchronous receiver-transmitter. (Mollett, Column 14 Lines 59-65 states:

A method of communication utilizing serial infrared link access protocol (IRLAP) between devices each containing a processor, memory, direct memory access to said memory, and universal asynchronous receiver/transmitters each connected to an infrared receiver/transmitter for sending informational data in the form of frames between at least two of said devices)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the physical link comprises a universal asynchronous receiver-transmitter as taught by Mollett 752' in the invention of Ruland in order to

provide a system where separate interface devices are used to convert the logic level signals of the UART to and from the external signaling levels. External signals may be of many different forms. Examples of such are optical fiber, IrDA (infrared), and (wireless) Bluetooth in its Serial Port Profile (SPP).

Art Unit: 2456

Claims 31, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruland et al. (US Patent Application Publication No.: US 20030048755 A1) in view of Koay (European Patent Application EP 1 026 916 A2; hereafter Koay '916).

As per claim 31, all the limitations of claim 30 have been discussed above. However, Ruland does not disclose wherein the server comprises a processor and an associated server memory responsively coupled thereto, whereby the processor is adapted to receive an identification number for each physical link from the client and store the identification number in the server memory.

On the other hand, Koay '916 teaches wherein the server comprises a processor and an associated server memory responsively coupled thereto, whereby the processor is adapted to receive an identification number for each physical link from the client and store the identification number in the server memory. (Koay, Figure 3 and Column 7 Lines 36–39 states: The process proceeds from step 314 to step 316, where the local port awaits the reception of a link identification message from the remote port.) and (Koay, Figure 3 and Column 7 Lines 46–50 states: The process proceeds to step 320 where the remote and local link identification messages are compared, and, if they are not the same, the process proceeds to step 321, where the local port updates its link identification information).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the server comprises a processor and an associated server memory responsively coupled thereto, whereby the processor is adapted to receive an

Art Unit: 2456

identification number for each physical link from the client and store the identification number in the server memory as taught by Koay '916 in the invention of Ruland in order to provide a functional and procedural means to transfer data between a client apparatus and server.

As per claim 32 and 33, all the limitations of claims 24 have been discussed above. However, Ruland does not disclose wherein each physical link is identical with all physical links and wherein each physical link comprises a cable.

On the other hand, Koay '916 teaches wherein each physical link is identical with all physical links (Koay, Column 6 Lines 2–5 states: Each of the transmission paths 112-126 might be an optical fiber and the illustrated network may be implemented, for example, as a bidirectional line switched ring (BLSR).) and wherein each physical link comprises a cable. (Koay, Column 4 Lines 57–58 and Column 5 Line1 states: The transmission paths may be embodied by such media as wire cable, optical fiber, or an RF transmission path).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein each physical link is identical with all physical links and wherein each physical link comprises a cable as taught by Koay '916 in the invention of Ruland in order to provide a system where data transmission is flexible and the available equipment resources will always be utilized optimally.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruland (US Patent Application Publication 20030048755 A1) in view of Civanlar et al. (US Patent No.: 5995606; hereafter Civanlar 606').

Art Unit: 2456

As per claim 36 all the limitations of claim 35 have been discussed above. However, Ruland does not disclose requesting a service from the server by a user of a client; and sending a data packet by the client to the server indicating the physical link that the service should be provided over.

On the other hand, Civanlar 606' teaches requesting a service from the server by a user of a client; and sending a data packet by the client to the server indicating the physical link that the service should be provided over. (Civanlar, Column 8 Lines 18-24 states:

3.) The method of claim 1 wherein said received client information includes a login and password from which the server determines the client's communication number. 4.) The method of claim 1 wherein said received client information includes a client account number from which the server determines the client's communication number for use in establishing the switched network connection.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate requesting a service from the server by a user of a client; and sending a data packet by the client to the server indicating the physical link that the service should be provided over as taught by Civanlar 606' in the invention of Ruland in order to provide a system which enables a server to provide a client request and to establish a switched network connection to the client utilizing data packet technology.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernique T. Leathers whose telephone number is (571)270-5738. The examiner can normally be reached on Monday through Thursday, from 7:00am to 5:30om. Eastern.

Art Unit: 2456

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V.T.L./ Vernique Leathers Examiner, Art Unit 2456 October 21, 2008

/Ashok B. Patel/ Primary Examiner, Art Unit 2456